

REMARKS

This responds to the Office Action mailed on April 21, 2009.

Claims 1, 15 and 47 are amended, no claims are canceled or added; as a result, claims 1-15 and 47-56 remain pending in this application. Support for the amendments may be found throughout the specification, and at least at paragraph [0036] of the specification. Applicant submits that no new matter has been introduced with the amendments.

§ 112 Rejection of the Claims

Claims 1-7, 15 and 47-56 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 1, 15 and 47 as suggested in the Office Action such that the claims recite that the appearance of the shape of the pixel is modified via the mask and not the pixel itself as displayed on the display device. Applicant respectfully submits that the amendment overcomes the rejection. Applicant respectfully requests reconsideration and the withdrawal of the rejection under 35 U.S.C. § 112.

§ 103 Rejection of the Claims

Claims 1-15 and 47-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over “Applicant Admitted Prior Art” under MPEP 2129 (hereinafter “AAPA”) in view of Natori (U.S. Patent 6,443,597, hereinafter “Natori”). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To

establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). Applicant respectfully traverses the rejection in view of the differences between the claims and the cited combination of AAPA and Natori.

For example, claim 1 recites "a display device having a mask over an LCD display having pixels of a first shape, the mask for blocking visibility of selected portions of the LCD display to modify the appearance of the first shape of the LCD display pixels to a second shape." Claims 15 and 47 recite similar language. The Office Action correctly states that the AAPA does not disclose the recited language. However, the Office Action goes on to state that "Natori explicitly discloses a "mask" overlaying a display device to form circular pixels by passing selection portions of square pixels via the "mask"," citing column 1, lines 17-45 and figures 7-9. The Office Action further states that "Natori discloses a "reflector frame 24, the upper portion thereof is covered with disk-like transparent scattering plate" 25 (broadly, a mask with a stencil including a matrix of dots as shown in figure 9) that overlays an LED display device (figure 8) for the explicit purpose of altering the perceived shape of the pixels." Applicant respectfully disagrees with this interpretation of Natori. First, the "scattering plate" 25 is described as being "transparent." Thus the scattering plate does not form a mask, and further does not block the visibility of selected portions of the display as recited in claims 1, 15 and 47. Further, Natori specifically refers to elements 24 and 25 as forming a pixel 26 of the display device. This pixel is the result of light emitted from a set of multiple different color LEDs 21, 22. Thus, there is no mask that modifies the shape of a pixel, only a structure that provides a pixel from multiple

LEDs. No pixel shape of an underlying display is being masked, nor is there any blocking of visibility of selected portions of the LCD display as claimed.

Additionally, Figure 9 does not describe a “stencil” or mask. Natori refers to Figure 9 as “illustrating the shape and arrangement of the light-emitting surfaces of pixels in the conventional LED plane display element for displaying characters.” This arrangement is described at column 1, lines 27-36 as LED pellets that are arranged such that “the circumference of these LED pellets 21 and 22 is surrounded by a reflector frame 24, the upper portion thereof is covered with a disk-like transparent scattering plate 25 to form a pixel 26 having a circular light-emitting surface as shown in FIG. 9.” Thus rather than showing a mask, FIG. 9 of Natori illustrates the placement of the pixels (comprising LED pellets and transparent scattering plates) in a transverse and longitudinal direction.

In view of the above, the combination of AAPA and Natori fails to teach or suggest each and every element of Applicant’s claims 1, 15 and 47. Therefore there are differences between the claims and the cited combination. As a result, claims 1, 15 and 47 are not obvious in view of the cited combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 15 and 47.

Claim 8 recites “a mask having a stencil for passing selected portions of the pixels.” Claim 12 similarly recites “a mask coupled to the LCD having a stencil for passing selected portions of the pixels.” As discussed above, the “scattering plate” of Natori is transparent and is used to “scatter” the light emitted from the LEDs. Because the scattering plate is transparent, it does not pass “selected portions of the pixels” because a transparent plate passes all of the light emitted by the LEDs of a pixel. Further, as discussed above, Natori does not disclose a stencil in FIG. 9 or in any other portion of Natori. Therefore claims 8 and 12 recite elements not found in the combination of AAPA or in Natori. Thus claims 8 and 12 are not obvious in view of the cited combination. Applicant respectfully request reconsideration and the withdrawal of the rejection of claims 8 and 12.

Claims 2-7 depend from claim 1; claims 9-11 depend from claim 8, claims 13-14 depend from claim 12 and claims 48-56 depend from claim 47. These dependent claims are accordingly believed to be patentable for at least the reasons stated herein regarding their respective base

claims. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-7, 9-11, 13-14 and 48-56.

Additionally, with respect to claims 11, 14 and 51, the Office Action states that the subject matter of these claims appears to be a matter of design choice. Applicant respectfully disagrees. The subject matter of the claims is not mere ornamentation. For example, one purpose disclosed in the specification for changing the appearance of square pixels to round dots is that “jagged edges, or “jaggies” that appear on the corners of square pixels are eliminated” because “the human brain wants to fill in the “blind spot” created by mask.” (see specification at paragraph [0032]). Thus the subject matter of the claims is not mere design choice or ornamentation, but is to solve a stated problem.

Further, with respect to claims 49 and 56, the Office Action states “Natori teaches are being applied to the secondary display taught by the background, it would appear that stencil of dots lines up with corresponding graphics being displayed on that secondary LCD display device to provide a low-tech appearance to a viewer with an appearance of increased resolution.” Applicant respectfully disagrees. As discussed above, Natori does not teach a stencil. Further, Natori uses pixel pitch to provide increased resolution (see e.g., column 3, lines 6-9) and does not use a mask or stencil of dots to provide an appearance of increased resolution.

Moreover, with respect to claim 55, the Office Action states “the mask of Natori includes a “filter”, such as the mask only allows portion of the pixel to come through the mask, thus filtering the input.” Applicant respectfully disagrees. As discussed above, Natori’s transparent plate scatters light and by virtue of its transparency allows all of the light to pass. It therefore does not provide a mask, and further does not filter the light emitted from the LEDs. Thus there is no mask that provides a filtering function disclosed in Natori.

For all of the reasons discussed above, the combination of AAPA with Natori fails to teach or suggest each and every element of Applicant’s claims 1-15 and 47-56. Therefore there are differences between the claims and the cited combination, and the claims are therefore not obvious in view of the cited combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1-15 and 47-56.

CONCLUSION

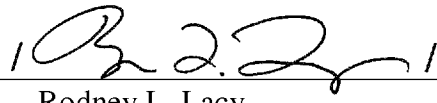
Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of October, 2009.

Zhakalazky M. Carrion

Name


Signature